

EXCISE

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March 13, 1961

TO: EUR - Mr. Roy D. Wheeler

FROM: EUR - Martin J. Hillenbrand

Herewith is an effort at the paper on Berlin requested by Mr. Bundy through Mr. McGhee. As suggested by the White House, this discusses both the political and military implications of Berlin as well as a possible Western negotiating position for the next round with the Soviets.

I have discussed the paper with Mr. Owen of S/P in the course of preparing it and he concurs substantially in its approach. However, neither Mr. McGhee nor Mr. Morgan of S/P have seen it as yet. If you agree, I should like to send it forward to them for reading and discussion as soon as possible.

I assume that this is precisely the sort of thing that Mr. Kissinger will wish to get involved in. However, while I shall tell him today that such a paper is in process of preparation, I shall not give him a copy of it until it has received further discussion within the Department.

Attachment:

DEPARTMENT OF STATE A/CDC/MS

As stated.

REVIEWED by HEM DATE 12/21/90

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THE PROBLEM OF BERLIN

Summary Conclusions

1. However compelling the urge to find some new approach to the Berlin problem, the inalterable facts of the situation strictly limit the practical courses of action open to the West. The history of the Berlin crisis since November 1958 gives little reason for thinking that a lasting settlement can be devised which, under current circumstances, will prove acceptable to both East and West.
2. A vital component of the Western position is the maintenance of a credible deterrent against unilateral Soviet action. Without this the full geographic weaknesses of the Western position in Berlin will have decisive weight in any negotiation. Thought should be given to the possibility of developing and strengthening deterrents other than the pure threat of ultimate thermonuclear war.
3. While we should give further thought to the possibility of providing some all-German "sweetening" for continuing discussion of the Berlin question with the Soviets, this should be done in awareness of the unlikelihood that any real step towards German reunification can be achieved within the calculable future under circumstances acceptable to the West. It also seems unlikely that any all-German approach acceptable to the West will suffice to provide the basis for even a temporary solution to the Berlin problem.
4. In planning, therefore, for further negotiations with the Soviets, the Western Powers must realistically expect that they will once again be forced to discuss the question of Berlin in isolation. While it is unlikely that a satisfactory interim arrangement of the Geneva-type can be achieved, it may be necessary to prove this by actual exchanges during the course of a conference.
5. While a proposal for a "guaranteed city" of West Berlin is probably the most acceptable arrangement which can be devised involving a change of juridical basis for the Western presence in the city and is conceivably negotiable with the Soviets, its advocacy by the United States at the present time would probably cause a crisis within the Western Alliance, since it would inevitably be interpreted as a sign of weakness and loss of determination on our part.
6. Under certain circumstances, the Western Powers might find it desirable to aim at a stipulation of existing access procedures but allowing for an east German ratification along the lines of Solution C as described below, or alternatively they might find it necessary to contemplate the execution of their existing policy.

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7. While the Western contingency plans as now developed constitute a highly articulated system of related stages, we must realistically expect the intrusion of unpredictable factors as well as possible efforts by our Allies, to reopen under crisis conditions certain aspects of contingency planning such as the documentation procedures to be followed by the Western Powers.

Political and Military Aspects of the Berlin Crisis

Basic Issues

8. The problem of Berlin is one of the gravest and most difficult with which United States policy must cope. Both East and West are so deeply committed to irreconcilable positions, publicly and in terms of basic policy, that the area of possible compromise seems rigidly limited. Berlin's physical isolation and vulnerability are inalterable facts, and the difficulties which arise from them will last, in one form or another, until the Soviets accept the reunification of Germany or the West abandons the city to Communist control.

9. Berlin's importance for the United States is largely intangible but nevertheless undeniable. Since 1945 we have, by our own choice, made Berlin the example and the symbol of our determination and our ability to defend the free parts of the world against Communist aggression. We have frequently reiterated our "guarantee" that we shall treat any attack against Berlin from any quarter as an attack upon our forces and upon ourselves. We have more recently given our commitment a more extended though rather nebulous significance, for example, using such language as not abandoning the free people of Berlin or of not tolerating the unilateral infringement of our rights. The United Kingdom and France have joined us in the basic "Berlin guarantee" and the other NATO powers have associated themselves with it, but it is universally regarded as being meaningful only to the extent the United States is committed.

10. It is a commonplace that our abandonment of Berlin would be taken as an indication of our unwillingness to meet our defense commitments and thus would have a shattering effect on NATO and our other alliances. This may be an overstatement.

of Berlin, regardless of the circumstances; ☐ The risks of a loss, however, be exaggerated.

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11. The existing situation, while it has many obvious disadvantages, represents a modus vivendi which the West can tolerate pending a solution of the German question in its larger context. The sixth and is viable as long as the Western forces are present and retain freedom of access, the Federal Republic of Germany continues its economic and moral support, the Berliners' morale remains reasonably high, and Berlin commands the attention and the sympathies of world opinion. While the loss of any of these four supports could bring a collapse, Communist efforts to date have not seriously weakened any of them.

12. Whether the existing situation is also a tolerable modus vivendi for the Soviet Union is a moot question. There are two competing theories as to Soviet objectives: (a) that they are using Berlin essentially as a lever to achieve the wider purpose of obtaining recognition of the GDR and consolidation of the satellite bloc; and (b) that West Berlin is a primary objective in itself because its continuance in its present form is so harmful to the East that it must be eliminated. The truth probably lies in some combination of the two, and the West must prudently base its calculations on such an assessment. Berlin is indeed a useful lever with which to attempt to gain broader objectives, whether it be the holding of a Summit meeting, a greater measure of recognition for the GDR, or stabilization of the sixth and in Eastern Europe. At the same time, West Berlin's role as a channel for the flow of refugees, as a center of Western propaganda and intelligence activities, and as a show window which daily and dramatically highlights the relative lack of success in the East, is such that the Soviets may feel that they cannot tolerate it for the indefinite future.

13. The essence of the Soviet position as it has developed since November 1958 is that the time is overdue for a peace treaty to be signed with the two German states, or if the Federal Republic refuses, with the GDR alone; that the going into effect of a peace treaty with the GDR will make that country fully sovereign and thus in complete control of the access routes over its territory to and from Berlin; that Berlin is on the territory of the GDR and that the peace treaty will accordingly terminate the Four-Power occupation status of the city; that as an act of grace the GDR and the Soviet Union will join in permitting the establishment of a "free city" of West Berlin; and that if the West insists on "interim arrangements" for West Berlin might be made for a specifically limited period of time provided it terminates in the ending of the Western occupation and the creation of a "free city" of West Berlin.

14. To this the Western Powers have responded by stressing the goal of German reunification on the basis of self-determination and holding that a real solution of the Berlin problem can be found only within this context; emphasizing that a settling the peace treaty can only be signed

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with a reunited Germany; denying that a so-called peace treaty between the Soviet Union and the GDR can terminate Western rights in Berlin and on the access routes; contesting that Berlin is territory of the GDR; and expressing a willingness to discuss the Berlin question with the GDR; but not under threat of ultimatum; emphasizing Soviet obligation to re-strain from unilateral violation of the basic agreements on Berlin; and West Berlin.

The Problem of Intermittents

15. No one will claim that West Berlin is defensible against direct and massive Soviet and/or East German attack. Such attack would, however, become a casus belli under the Western security guarantee. Despite occasional alarms and rumors of Eastern build-up, few expect that, under current circumstances, the Soviets will indulge in such clear aggression.

16. The more urgent question involves the credibility of the basis deterrent which we can bring to bear to prevent the kinds of action which the Soviets are more likely to take or to permit the GDR to take. This question is raised directly by the terminal stages of Alliance contingency planning and cuts across the entire confrontation between East and West over Berlin. (See Annex IV for a summary description of our contingency

17. Given the exposed geographic situation of the city and its tenuous lines of communication, the fact is that, in the last analysis, our position is maintained by the ultimate threat of thermonuclear war. The military measures to respond across a complicated under western contingency plans are intended to take the initiative regarding and success from the Soviets, provide circumstances in which negotiations with the Soviets might prove fruitful, and compel the Soviets to face the unmistakable imminence of general war. The problem is how can our deterrent, as a refinement of the doctrine of massive retaliation, not suffer from diminishing credibility, given the belief in a so-called thermonuclear balance of terror, curtailing rapid change in weapons technology and Soviet anticipation that world pressures would operate even the firmest resolve on our part to go all the way if necessary.

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19. It may be asked what, under these conditions, really is deterring the Soviets from carrying out their threats. Certainly there would be serious political consequences short of war which the Soviets wish to avoid. There is also a continuing element of uncertainty about how a crisis situation might develop in practice and whether in the last analysis what the Soviets might consider purely rational considerations will actually determine the American decision for war or peace. Although clarity regarding our intentions is generally a virtue, it may be that in the Berlin context such uncertainty adds to the initial deterrent to Soviet action setting off a possibly disastrous chain of escalation, though at a later stage it may add to the over-all danger of miscalculation.

20. A vital preliminary to any further negotiation with the Soviets on Berlin must be a reaffirmation by the United States, together with its Allies, in the most convincing way possible, of their determination not to collapse in the face of Soviet pressure, a reaffirmation of the very serious danger which Soviet unilateral action would create. To heighten the seriousness of our approach, we should consider whether Soviet interest in eventual achievement of an agreement on disarmament, and in other subjects where both the Soviets and we may have somewhat similar objectives, would help in creating a proper psychological framework for discussion of the Berlin question. It is fair to assume, for example, that the Soviets do not wish to see the United States mobilize.

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its resources behind a greatly enhanced defense program of the type which accompanied the war in Korea, when we quadrupled our defense expenditures. I surmise, therefore, that continuation of the Soviet threat to Berlin will inevitably bring the kind of massive mobilization of American resources for defense of which Churchill knows we are capable, but which neither we nor he basically desire, might add to our deterrent. The exact timing and level of such an approach to the Soviets should accordingly be considered along with the more specific aspects of a possible ~~modus vivendi~~ on Berlin.

21. Even while the major deterrent remains effective, however, it is particularly difficult to beat back such minor encroachment on Western rights. Tripartite consideration has been given to a wider range of nonmilitary countermeasures for use on a contingency basis, but these plans are still being considered by the respective governments. Control of trade between East and West Germany has proved an effective weapon for the West, but we must expect some diminution in this capacity since the East Germans are seeking alternative sources of supply. Moreover, it is only prudent to assume that none of these countermeasures will be sufficient to deter the Soviets once they have taken the basic political decision to precipitate a crisis over Berlin.

A Position for Possible Four-Power Negotiations

General Considerations

22. Any assessment of possibilities in Four-Power negotiations on Berlin must necessarily involve some appraisal of Soviet intentions. It must also be conditioned to some extent by the negotiating history of the question since the present crisis broke in November 1958 and by our knowledge of what our German, French and British Allies are willing to accept. On the Western side the preparation of our position for negotiations with the Soviets has been, and must necessarily continue to be, essentially a Four-Power responsibility.

23. There is no reason to believe that the Soviets are not in deadly earnest about Berlin, whatever the reasons which have impelled them to postpone their so frequently threatened unilateral action. We must prudently assume that, at some point in time and in the absence of agreement with the other three occupying powers, the Soviets will feel it necessary to move ahead with their announced intention of signing a peace treaty with the GDR and of abandoning their responsibilities with respect to the West. If this is so, there will be no easy way out of the Berlin crisis; gimmicks and purely optical flimflams will quickly be sufficient. On the other hand, we may also assume that the Soviets do not wish to engage in all-out nuclear war, or, if they can "afford" it, to have a major crisis with a world-wide war scare.

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24. Since the present Berlin crisis broke in November 1958 the United States Government has considered a great number of theoretical solutions to the Berlin problem. Some of these have been discussed with our Allies. (The paper attached as Annex I attempts briefly to summarize the development of the crisis since November 1958.)

Berlin Solution Within All-German Context

25. If Berlin is at least partially a lever which the Soviets are using to obtain other objectives of more basic importance to them, one might suppose that, if the West could make some proposal which promised movement towards the achievement of at least some of these other objectives, the Soviets might be willing to ease their pressure on Berlin.

26. Our traditional position has, of course, been that the only real solution to the Berlin problem must come within the context of German reunification, yet it is doubtful whether anything can be done at the present time which will really contribute much in a practicable sense to the process of achieving German reunification. It seems unlikely that anything could be added to the Western Peace Plan which would make it a negotiable basis for a general settlement within which the Berlin question would assume its proper position. All the available evidence points to an overwhelming Soviet disinterest in German reunification except on such terms as would assure absorption of the entire country into the Communist bloc. On this realistic assumption the problem then boils down to whether the West could accept some form of all-German camouflage which might sufficiently serve Soviet interests to obtain from them in exchange a satisfactory Berlin arrangement. Although the possibilities in this area are worth further exploration to see whether they are compatible with basic United States interests, there would be little point in going through the travail of trying to get Allied acceptance of any of them unless we are persuaded that they might be negotiable with the Soviets. (Annex II contains a discussion of various possible all-German proposals.)

Discussion of Berlin in Isolation

27. We must prudently assume that, at a fairly early point in negotiations with the Soviets, the West would be confronted, as at the Geneva Conference of Foreign Ministers in 1959, by the necessity of abandoning discussion of the all-German question and moving on to the problem of Berlin in isolation. An important aspect of the Western position at this point will be the agreed tactical handling of the further discussion with the Soviets, just as in preparing for the 1960 Summit meeting the agreed Western tactics paper in many respects embodied the most important elements of the Western position. In evaluating the various theoretical solutions to the Berlin question which it is possible to devise, the basic alternative to the West will come in four "official" types:

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a. Some sort of interim arrangement of the kind proposed by the Western Powers at the 1959 Geneva Conference of Foreign Ministers;

b. The all-Berlin approach;

c. Some permanent change of status for West Berlin intended to survive until reunification;

d. Some face-saving formula either freezing the situation or permitting the Soviets to proceed with their intention of turning over control of access to the GDR but preserving the essentials of the Western position with respect to freedom of access.

28. A discussion of these four possible approaches and variants thereof is contained in Annex III, leading to the conclusion that the most likely development would be that the Western Powers will find it desirable to aim at an arrangement falling within the fourth category in paragraph 27.

Contingency Plans

29. In arriving at decisions at a conference, the Western Powers must, of course, take into consideration the implications of their contingency plans in the event of a complete breakdown of negotiations and the execution of the announced Soviet intention to sign a peace treaty with the GDR and to hand over control of access to GDR officials. The major focus of these plans, given the physical situation of Berlin, has been increased Soviet or GDR interference with freedom of movement between Berlin and the West. (See Annex IV for Summary.)

30. Partly at least due to United States initiative, the three Occupying Powers have been able to carry through a thorough review, and a considerable extension, of planning to deal with harassment of access. Plans for the earlier stages of a crisis are now reasonably complete but a further development of planning to cover the later stages will be more difficult.

(In this connection, it may be noted that the most advanced plans proposed by the United States for the restoration of access contemplate, at the last, achieving this objective through compelling the Soviets to resume peaceful negotiation on Berlin. With respect to planning regarding German elections, there exists the additional complication that the GDR has long exercised effective control over such access.

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11. The ultimate success of Berlin contingency planning is problematical, for none of the measures contemplated can change the basic situation. From one point of view, the assumption of Western contingency planning is that the situation may deteriorate through various stages, for which plans have been outlined, until the Soviets are faced with the imminence of general war. The hope is, of course, that the situation will actually stabilize at an early and still acceptable stage. There are a number of critical points where the Communists might postpone or refrain from further action against Berlin, thus retarding or arresting the development of the situation and giving the Western Powers at least a temporary respite. From the Western point of view obviously, the earlier the break-off point is reached, the better.

12. Apart from these possible sticking points, a realistic evaluation will allow for intrusion of the unforeseen and the unpredictable. In a highly volatile situation where each side hopes, and may be prepared to gamble, that the other does not believe Berlin to be worth a war, the dangers of miscalculation are obvious, as is the possibility of pressures beyond those generated by formal working out of the plan. Under conditions of imminent threat of war it seems unlikely that the rest of the world will stand idly by and permit the situation to further deteriorate. As the crisis becomes graver, one might expect pressures from public opinion and from other governments.

to obtain acceptance of a peaceful "settlement" of the Berlin question, whatever the political cost to the West.

13. Be that as it may, the Western Powers have no practical alternative but to attempt, as far as this is possible, to perfect their contingency plans within the inner logic of the formal system basically agreed by governments. Within this formal system, however, there obviously are a number of areas of probable difficulty where present agreement on a formula cannot hide the fact that, under crisis conditions, the interpretation and the objectives of the Western Allies may differ somewhat.

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There are several other subsequent points at which differences among the Allies may be expected to manifest themselves.

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Annex I

The Berlin Crisis Since November 1958

The Development of the Crisis

1. The Berlin crisis has gone through four broad phases

a. Following upon the Soviet note of November 27, 1958, there was an initial period of mutual restatement of position and exchange of notes leading up to the Geneva Conference of Foreign Ministers which began on May 11, 1959. This was a period of intensive diplomatic activity among the Western powers during which they drew up the Western Peace Plan and made considerable progress in their contingency planning.

b. The period of the Geneva Conference of Foreign Ministers (May-August 1959) during the course of which the West agreed to discuss Berlin outside the context of German reunification and advanced proposals (rejected by the Soviets) for an "interim arrangement" on Berlin. The Soviets in turn made unacceptable proposals for an "interim arrangement".

c. The period between the Camp David talks and the collapse of the Paris Summit Meeting in May 1960. This likewise was a period of intensive Western diplomatic activity and many preparatory meetings.

d. The post-Summit period of relative diplomatic quiescence and of further Soviet postponement of threatened unilateral action pending the inauguration of a new American administration. The harassment of German civilian airmen provoked Western countermeasures which, in turn, led to UNEC consultations, and by the end of 1960 the situation in and about Berlin had returned to as near normal as it ever gets.

2. It is reasonable to assume that, in November of 1958, the Soviets expected the combination of threat, pressure, and offer to negotiate to lead to a collapse of Western determination and acceptance of something along the lines of their free city proposal. Their subsequent postponement of what they claimed to be inevitable, their willingness to wait until some further negotiation or some other event had occurred, may be attributed to Soviet doubt that they could take the threatened unilateral action without precipitating a major crisis involving the risk of war. On the Western side, a major problem throughout this

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period has accordingly been to maintain the credibility, not only of the guarantee of Berlin against outright attack, but of the stated determination to defend Western rights in Berlin, ultimately at the grave risk of thermonuclear war. It is a moot point whether the credibility of the Western position has declined during the past ten years in the light of comparative advances in weapons technology and related developments. There have been some disturbing signs of Soviet reluctance to believe that the West, given its divisions and its internal strains, would really prove firm in a showdown. However, this may be, an element of doubt has presumably persisted up to now sufficient to have deterred the Soviets from unilateral action.

3. Considered purely as a holding operation, Western efforts since November 1958 have been fairly successful. Nothing essential has changed in Berlin: the city continues to prosper economically, and the morale of the Berliners, despite some ups and downs, continues to be good. Moreover, since the initial Khrushchev threat, more than 350,000 refugees have come from East Germany to the West, the great majority through Berlin -- a further demographic drain which an already underpopulated GDR could ill afford.

The Western Approach in 1958-1960

4. From the outset, the Four Western Powers principally concerned have differed in some extent in both their appraisal of the situation and their estimate of desirable policy. These differences have never developed to the point of open disagreement (except in press leaks), and a fine show of Western unity was maintained at the Geneva Conference and the abortive Summit. However, the variations in approach which have emerged during the preparatory work for conferences presumably remain a constant factor. [

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itself were willing at least to consider possible new approaches provided they seemed compatible with basic Western interests, and has had to provide much of the initiative needed to organize the work during the preparatory phase prior to the Geneva and Summit Conferences.

5. In developing the Western position on Germany and Berlin, the Four Powers have passed through phases somewhat analogous to the four noted above. During the initial phase prior to the Geneva Conference of Foreign Ministers, the West still operated essentially on the assumption that discussion of the Berlin problem should be kept within the context of the all-German question, within the State Department various new ideas were considered for incorporation into a Western package proposal to replace the Eden Plan of the 1955 Geneva Conference. After months of discussions within a series of Four-Power Working Group sessions in Washington, Paris, and London, some of these ideas survived in the Western Peace Plan put forward at Geneva on May 14, 1959. It is highly questionable whether even a more forthcoming version of the Peace Plan (still consistent with basic Western interests) would have proved at all negotiable with the Soviets, although the Western package would have been more appealing as propaganda. At any rate after a few weeks of inconclusive discussion of the German question at Geneva, with the Soviets emphasizing the necessity of a peace treaty and all-German talks and the West extolling the merits of the Peace Plan, the conference moved on to the subject of Berlin proper for a hesitant and protracted period. Despite the concerns which they caused the Germans and the Berliners, the Western proposals for an interim arrangement on Berlin might have provided a satisfactory working basis for a period of some years. However, it became clear at Geneva that the Soviet concept of an interim arrangement differed too radically from that of the West to make agreement possible.

6. At the subsequent Camp David talks, the only agreement reached on Berlin was that negotiations would be reopened with a view to achieving a solution in accordance with the interests of all concerned and in the interest of the maintenance of peace. Khrushchev gave assurances that, in the meantime, the Soviets would take no unilateral action and President Eisenhower agreed that these negotiations would not be indefinitely prolonged.

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After an involved preparatory process, the preferred Western objective on Berlin for the Summit emerged as an agreement for a standstill for a period of time during which an attempt might be made at a lower level to achieve progress towards a more formal agreement. The basic Western position paper did, however allow for the possibility that the Western Powers might have to discuss an arrangement along the lines of their Geneva proposals of July 28, preferably with certain improvements. It also left open the possibility, under certain circumstances, of reviving the old Solution C of the London Working Group of April 1959. Since the collapse of the Summit, the Western emphasis has been largely on refinement of contingency planning (particularly in the countermeasures field), and there has been little further discussion of the substance of the position which the Western Powers might take into future negotiations with the Soviets on Berlin. Prior to any such negotiations, the Western Powers will presumably have to go through the usual preparatory phase; in any event, the British and French will probably approach us shortly after January 20 in this connection.

7. Prior to the collapse of the Summit in Paris, the Soviets gave President de Gaulle the text of certain new proposals on Berlin (attached). While couched in apparently reasonable language, these were, in some respects, even less satisfactory than their final proposals at Geneva in 1959, and were clearly designed to lead to the ultimate goal of a Free City of West Berlin via an interim arrangement during the course of which the Western Powers would be allowed to bow out of their present position in Berlin. Khrushchev has on several occasions since intimated that these would be the opening Soviet proposals at the next meeting on the subject.

Attachments

Proposals of the Soviet Government.

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MEETING OF CHIEFS OF STATE AND HEADS OF GOVERNMENT
PARIS, MAY, 1960

U.S. DELEGATE'S TRANSLATION OF RUSSIAN TRANSLATION
OF RUSSIAN TEXT SUBMITTED TO COMRADE IN SOVIET AMBASSADOR
IN PARIS ON MAY 9, 1960

PROPOSALS OF THE SOVIET GOVERNMENT

The Soviet Government favors proceeding immediately to the signature of a peace treaty with the two German states. However, since such a solution of the problem raises objections on the part of the Western Powers, the Soviet Government, which as always strives to achieve concerted action on the German question among the four principal members of the anti-Hitler coalition, is prepared essentially to agree to an interim solution. This interim solution would consist of the signature of a temporary (provisoire) agreement on West Berlin, aimed to prepare conditions for the ultimate transformation of West Berlin into a free city and the adoption of measures leading to the preparation of the future peace settlement. In this connection the Soviet Government proposes the following:

1. To conclude a temporary agreement for two years relating to West Berlin. The agreement would include approximately the same list of questions as those which had already been discussed in 1959 by the Foreign Ministers at Geneva and, without bringing any radical change to the actual status of West Berlin, would, however, open the way to the elaboration of a new and agreed status for the city corresponding to peacetime conditions.

The temporary agreement should envisage the reduction of the effective strength of the forces of the Three Powers in West Berlin, which reduction could take place progressively in several stages. It would likewise be suitable to put in writing the intention expressed by the Three Powers not to place in West Berlin any kind of nuclear weapons or missile installations.

The agreement should moreover include a commitment to take measures to prohibit the use of the territory of West Berlin as a base of subversive activity and of hostile propaganda directed against other states. Measures concerning the prohibition

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of subversive activities and of hostile propaganda directed against other states. Measures concerning the prohibition of subversive activities and of hostile propaganda with respect to West Berlin might likewise be envisaged under an appropriate form.

In the second aspect would also be taken of the declarations of the Soviet Union and of the GDR concerning the maintenance of the communications of West Berlin with the outside world in the form in which they exist at present for the duration of the temporary agreement.

The engagements concerning the GDR could in that event take a form which would not signify diplomatic recognition of the GDR by the Western Powers who would be parties to the agreement.

To supervise the fulfillment of the obligations flowing from the temporary agreement regarding agreed measures in West Berlin, and to take, in case of necessity, measures assuring the fulfillment of the agreement reached, a committee could be set up composed of representatives of the French Republic, the United Kingdom, the Soviet Union and the United States of America.

2. At the same time that they conclude an agreement on West Berlin, the Four Powers will make a declaration inviting the two German states to take advantage of the interim period fixed by the agreement in order to attempt to arrive at a common point of view on the German question. Contact could be established between the two German states by means of the creation of an all-German committee or under some other form acceptable to them.

In formulating these proposals, the Soviet Union proceeds from the thought that, if the German states refuse to engage in conversation with one another, or if, at the expiration of the temporary agreement, it becomes clearly evident that they are not able to come to an understanding, the Four Powers will sign a peace treaty with the two German states or with one of them, as they would judge it desirable. Of course, if the GDR and the GFR succeed in reaching an agreement, there will be no obstacle to the conclusion of a single peace treaty for all of Germany. However, measures will be taken in order to transform West Berlin into a free city. As far as the statute of the free city of West Berlin is concerned, the USSR would prefer to elaborate this in common with France, the United Kingdom and the United States.

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In proposing the transformation of West Berlin into a free city the Soviet Union does not in any way wish to change the interests of the Western Powers, to change the present mode of life in West Berlin or to attempt to integrate this city within the GDR. The Soviet proposal derives from the existing situation and tends to normalize the atmosphere in West Berlin while taking account of the interests of all parties. The creation of a free city would not change the economic and financial relations of West Berlin with other states, including the GDR. The free city would be able to establish as it pleases its external, political, economic, commercial, scientific and cultural relations with all states and international organizations. Completely free relations with the external world would be assured to it.

The population of West Berlin would receive more guarantees of the defense of its interests, with the Governments of the Soviet Union, of the United States, of France and of the United Kingdom assuming the required obligations in order to guarantee the precise execution of the conditions of agreement on the free city. The Soviet Union states that it also favors participation of the United Nations in the guarantees given to the free city. It goes without saying that, in the event of the reunification of Germany, the maintenance of the special situation of the free city of West Berlin would no longer have any basis.

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POSSIBLE ALL-GERMAN CONTEXT FOR BRITAIN SOLUTION

Enhancing Status of GDR

1. One of the Soviet "other objectives" is usually put in terms of enhancing the status of the GDR so as to move towards de facto dealings by the West, although not necessarily recognition, as part of a process of freezing the status quo in Central Europe. The memorandum which the British gave us in the fall of 1959 proposed, for example, sweetening the July 25 Geneva proposals by permitting all-German talks under the cover of a Four-Power Group.

2. A second possible kind of sweetening would involve changes in the Western Peace Plan. Ambassador Thompson in Moscow has suggested an extension of the time period in that plan to from seven to ten years to prove to the Soviets that there would not be a showdown by free elections for an extended period, while the Mixed German Committee provided for in the Peace Plan presumably would be in operation.

European Security Arrangements

3. Other proposals have stressed that Western initiatives relating to European security arrangements might provide such "sweetening". Ambassador Thompson has suggested that United States troop reductions in Germany, and particularly limitations on West German armament, might constitute a sufficiently fresh approach to the German question to have enough attraction for Khrushchev to get him to postpone action on West Berlin at least while it was being explored. The idea of compensatory United States and Soviet troop withdrawal from Germany is periodically revived as a possible basis for a settlement. In the past such proposals have always floundered in the face of strong opposition both within the United States Government and among our NATO Allies, particularly the Germans themselves. It is worth further study whether, in this period of repeatedly advancing technologies and developing NATO weapons policy, there is any real scope for flexibility in this area; but even assuming an American decision to support one of these possibilities, the difficulties of achieving prior agreement among the Western Allies should

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not be underestimated, since it would inevitably, in the minds of the Europeans, be linked to a fundamental change in United States strategy for Europe.

Oder-Weisse Line

4. Another suggestion is that the West might offer acceptance of the Oder-Weisse line in exchange for a Berlin corridor, or for some other acceptable arrangement on Berlin. Apart from the difficulty of getting the Federal Republic to agree to a proposal of this kind (which would be considerable), it seems doubtful that any such arrangement would be negotiable with the Soviets. Their objective is stabilization of the satellite bloc, not at the Oder-Weisse line, but at the present boundary between the GDR and the Federal Republic. The GDR has already accepted the Oder-Weisse line, and certainly in the short run there would appear to be little to gain from the Soviet point of view in a Western renunciation of any claims beyond the Oder-Weisse. The Soviets presumably fear long-term German irredentism, continuing German dynamism. They would hardly be likely to feel that danger from this source would be removed by a commitment in 1961 that the Oder-Weisse line was final, any more than present German protestations that any eventual settlement of the border issue would be a peaceful one are likely to be convincing to the Soviets. Whether a renunciation of claims beyond the Oder-Weisse might be a useful element in a more comprehensive all-German package, if one could be devised, is another matter.

Acceptance of Peace Treaty Qualified by Safe-Terms Type of Arrangement

5. Assuming the Soviet commitment to the signing of a peace treaty with the GDR to be an important one for them, we might take the line with them privately that we cannot, of course, step the Soviets physically from proceeding with the signing of a peace treaty with the GDR, although we could not approve or underwrite a treaty confirming the division of Germany, and would have to oppose it publicly. On the other hand, of major practical interest to us would be the effect which such a peace treaty would have on our position in Berlin. Provided that arrangements similar to those under the Safe-Terms exchange of letters were still continued in effect, the signing of the peace treaty need not necessarily precipitate a crisis involving our position in Berlin. We on our part could try to make the necessary adjustment. It is difficult to see how this essential retention of the status quo would have much appeal to the Soviets unless they consider themselves or far over-extended, or that they would believe a face-saving

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formula to cover for a significant retreat. The Report of the Four-Power Working Group on Germany including Berlin submitted on February 20, 1961, on "Planning to Deal with a Separate Peace Treaty Between the Soviet Union and German Democratic Republic" did not discuss this possibility, which would admittedly involve a considerable change of emphasis by the West. In any event, it seems unlikely that the Soviets would consider this any real solution from their point of view at an early stage of the conference on Berlin when they would still be uncertain how much might be extracted from the West in negotiations. However, it might have more appeal to them at the point of second thoughts assuming they were convinced of Western firmness and the seriousness of the crisis into which the East and West were heading.

Discussion of Peace Treaty Principles

6. In preparing for the Geneva and Summit Conferences, the Western Powers have considered the possibility, as a tactical matter, of expressing willingness to discuss the principles of a peace treaty with Germany (presumably in a deputy or expert group) if it appeared at some point during the conference that Western offer to discuss peace treaty principles might tip the balance in favor of preventing Soviet unilateral action against the Western position in Berlin. There are a number of objections to such action, and

have expressed grave reserves about the whole idea. In any event, the possibility is still open to consideration as a tactical expedient under certain circumstances.

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Annex III

DISCUSSION OF BERLIN IN ISOLATION

Interim Arrangement

1. There is little indication that an interim arrangement of the 1959 Geneva Conference-type will be a feasible objective for the West, although it seems likely that, in any negotiations with the Soviets, the subject of an interim arrangement will inevitably arise as a logical consequence of the Geneva discussions. The Soviets will presumably put forward something along the lines of their May 9, 1960 proposals, and the West will have to consider whether it would wish to start off with an offer somewhat along the lines of the "improved" Western proposals for an interim arrangement agreed by the Four Western Foreign Ministers on May 11, 1960. These sets of proposals are obviously irreconcilable, but an abbreviated Geneva-type exercise might be necessary until it became clearly evident that there were no basis for a meeting of minds on any sort of interim arrangement.

All-Berlin Proposal

2. At this point in negotiations the West would have to consider whether it would be expedient for the West to put forward an all-Berlin proposal for tactical and propaganda reasons. Such a proposal was developed quadripartitely in preparing for the Summit Conference of last May, but there is little reason to propose that such a proposal would actually prove negotiable with the Soviets. The latter have repeatedly stressed that East Berlin is the capital of the GDR. Their agreement to an all-Berlin proposal of a type which might be acceptable to the West would in effect constitute a retreat on their part which would certainly, from the point of view of the GDR, be less favorable than the status quo.

Change of Status

3. The proposal for a "guaranteed city" represents perhaps the most acceptable arrangement on Berlin which can be devised involving a change of juridical basis for the Western presence in the city. (Another type of proposal based on the same premise which has been given consideration is that of some UN trusteeship arrangement, but this has been held less desirable.) While President Eisenhower was generally favorable to the continuance of the "guaranteed city" proposal

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proposal, it has never been put forward to our Western Allies. In essence, it involves agreement by the Four Powers to guarantee the security of Western military and civil access to West Berlin, with the Western Powers agreeing simultaneously to suspend the exercise of their occupation rights so long as the agreement was otherwise being observed. The West Berlin authorities would be empowered to request that foreign troops up to a stated ceiling be stationed in West Berlin and each Western Power would agree to supply and maintain any forces so requested. Full and unrestricted access for these troops would be guaranteed. The agreement would be registered with the UN and a representative of the UN Secretary General might observe its fulfillment.

4. While such a "guaranteed city" arrangement would obviously be preferable to anything along the lines of the Soviet Free City proposal, it involves many hazards. For example, its advocacy by the United States at the present time would probably cause a political crisis within the Western Alliance, since it would be interpreted as a sign of weakness and loss of determination to maintain our position in Berlin. 81

It could probably only be advanced within a political and psychological climate of considerably greater detente between the East and West than now exists. However, given the division of Germany for an indefinite future, and with the passage of time rendering the Western occupation of Berlin increasingly anachronistic, a formula along these lines will presumably continue to have a certain appeal.

Accommodation to De Facto Situation

Solution C

5. During the course of negotiations the Western Allies may well be faced with the necessity of accepting some sort of accommodation to the de facto situation which exaction of the Soviet threat would create. It might, however, be possible to work out some sort of arrangement which would tacitly concede that the Soviets can, whenever they wish, turn over their controls to the GDR, while conceding also that we intend to hang on to the essentials of our position in Berlin. A number of variants are possible, but the most refined approach of this kind is that known as Solution C of the April 1959 London Working Group Report (a summary of this proposal is attached). The quadripartite tactics paper prepared for the Summit provided that, if an impasse had been reached at the conference and it seemed that the Soviets would proceed

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to take unilateral action purporting to end their responsibilities in the access field, the Western Powers might wish to consider making a proposal involving a series of interlocking but unilateral declarations on Berlin access aimed at achieving a freezing of existing procedures, with ultimate Soviet responsibility being maintained, although implementation might be by the East German authorities. This Solution C has survived as an ingenious way of dealing with a situation which may in fact arise whatever the Western Powers may want or do. It is possible to vary its complexity and specific content (for example, by adding similar unilateral declarations on propaganda activity and by introducing a UN role), but the access problem remains its focal point.

6. One aspect of Solution C, which was devised primarily for use in negotiations with the Soviets, is that its basic approach could conceivably be applied to a situation in which such formal negotiations do not take place or, if they do and have failed, to a subsequent stage of developments. In any event, from a purely tactical point of view, it would seem unwise to open any negotiation with the Soviets by putting forward Solution C. If used at all, it would seem most effective as a fallback position after a process of elimination of other possibilities has taken place. Despite the relatively unsatisfactory situation which this would create measured by a standard of absolute perfection, something of this kind may be the best we can hope to end up with.

Tacit Temporary Freeze

7. Although this seemed like a possible approach in 1960, it may no longer have as much relevance if the Soviets are determined to resolve the Berlin question in 1961. The precise modalities of such a freeze would depend on circumstances, but the essential thought was that, since neither standing on our Geneva position, nor discussing German unity and disarmament, nor proposing an immediate change of status in Berlin seemed very promising means of reducing an agreement and of forestalling unilateral action by the Soviets, a further holding action would be preferable. This would have had as objective freezing the situation in Berlin until after the German elections in September 1961.

8. Under one variant it was suggested that such a holding action might consist of a tacit agreement to put Berlin on ice for eighteen months or so by setting up a Four-Power Working Group to consider means of reducing frictions in Berlin and to report back at the expiration of the indication time period. If the Soviets wished some more explicit agreement for the interim period, it was suggested that we could also

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propose concomitant unilateral declarations by both sides along the lines of Solution C, without mentioning troop reductions or attempting to conclude the kind of formal and comprehensive agreement which would have to deal with the "rights" issue.

9. In this case the assumption might be that, in the event the Working Group were unable to arrive at agreement, the period of eighteen months would be extended indefinitely, with the Solution C procedures continuing to prevail. A tacit understanding on both sides would, of course, be necessary that this was the best way to deal with an otherwise irresolvable situation. One disadvantage of the use of Solution C in such a context would be its identification with the temporary period to a point where its use as basis of a more lasting de facto arrangement might be nullified.

Delaying Action Without Specific Substantive Arrangement

10. As a palliative for anticipated failure to reach any agreement in the next round of negotiations, we might simply try to reach agreement on some machinery to continue a negotiating procedure, for example, at the level of the Foreign Ministers or Deputy Foreign Ministers, without pressing for a more formal kind of interim arrangement. This was essentially the preferred Western position at the abortive Summit. Whether it has any relevance to the situation in 1961 is doubtful; in any event the Western Powers would obviously have to be prepared to deal with a Soviet refusal to delay indefinitely on Berlin in the absence of any progress towards agreement.

11. Given a failure to find any basis for agreement on Berlin in the next round of talks, it might be possible to achieve some sort of tacit understanding with the Soviets so that the claimed effects of their signing a separate peace treaty with the GDR would be mitigated to the extent of preserving the essentials of the Western position in Berlin without an explicit new agreement, and thus avoid a major crisis or blow to Western prestige. This might be a variant of the approach indicated in paragraph 5, Annex II above, or might involve some of the elements of Solution, probably, although not necessarily, without their being embodied in any formal declarations. Such an arrangement could subject the Western Powers to strong erosive pressures to deal with the GDR, but might under certain circumstances be preferable to an absolute breakdown of negotiations, unqualified signature of a peace treaty between the Soviets and the GDR, and the execution of our contingency plans.

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Annex IV

March 6, 1961

BERLIN CONTINGENCY PLANNING

I

Following the Soviet threats of November 1958, a Tripartite Planning Group was established in Washington to coordinate planning by the three Embassies at Bonn, General Norstad's Tripartite Staff ("Live Oak"), and the headquarters at Berlin for the various contingencies involved in a withdrawal by the Soviet Union from its functions with respect to Allied access to Berlin. The Germans have been acquainted with most aspects of this planning.

II

Although Soviet intentions are not clear, it is considered unlikely that Khrushchev will, in the immediate future, take any action beyond perhaps preliminary steps looking toward the eventual conclusion of a "separate peace treaty." However, should the Soviets withdraw, or appear likely to withdraw, from their access functions, Allied planning contemplates the following measures.

1. Prior to Soviet Action

(a) Preparatory Military Measures

Certain quiet, precautionary, and preparatory military measures, of a kind which would not cause public alarm but would be detectable by Soviet intelligence, were taken following the Soviet threat of November 1958 to demonstrate our determination to maintain freedom of access. Plans exist for additional measures of this sort, such as increased alert, preparation for unit deployments or dispersal, and preparation for evacuation of selected noncombatants in Germany and Berlin. The Governments will in due course have to decide which of these or other measures of this type should be taken and at what points.

(b) United Nations Action

It has been agreed in principle that, if Soviet unilateral action to withdraw from access functions were clearly imminent, it would be desirable to attempt to forestall this through a United Nations Security Council resolution calling on the Four Powers not to violate existing agreements regarding Berlin, to negotiate their differences, and to report the results of these negotiations to the Security Council.

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2. At Time of, or After, Soviet Action

(c) Notice to Soviet Government and Public Statement

Drafts have been prepared for notes to the Soviet Government and a public statement (which would not only explain to world opinion but also put the "GDR" on notice) re-emphasizing Soviet responsibility under agreements concerning Berlin, explaining our legal interpretation of the Soviet action, and serving notice as to the procedures which we would follow in maintaining our access after the Soviet withdrawal (as in d and e below).

(d) Surface Access Procedures

After a Soviet withdrawal, every effort would be made to continue normal traffic, but the Three Powers would put into effect new procedures for the purpose of identifying Allied movements as being entitled to unrestricted access to Berlin. The procedures involve handing over to the East German personnel at each check-point a copy of the Allied travel order, but not accepting the stamping of a travel order as a condition of passage. Practical preparations for instituting the new procedures have been completed.

(e) Air Access Procedures

Every effort would be made to maintain unrestricted air access after a Soviet withdrawal from the Berlin Air Safety Center, and the Center would continue to operate on a tripartite basis. For safety considerations, flight information would be broadcast by radio and communicated by telephone and teletype directly to the Russians and to the East German air traffic control authorities.

III

If the foregoing measures have been taken, and the East Germans refuse to accept the surface access procedures mentioned or attempt to block air access, Governmental decisions will be required on the implementation of the following aspects of planning which have been developed on a stand-by basis but without commitment as to the necessity or the timing of their implementation.

1. Measures to Maintain Air Access

(a) Plans exist for maintaining civil air services under flight safety conditions not usually considered normal.

(b) Plans exist for a "garrison airlift" to transport by air the personnel and equipment of the Allied forces which cannot move by surface routes.

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(c) Plans exist for the movement of civilian passengers by military aircraft when civil airlines are no longer prepared to operate.

(d) Plans have been developed to cope with physical interference with air access.

2. Probe of Soviet Intentions

There are three alternate plans for a probe along the Autobahn to determine whether the Soviets would use, or permit the use of, force to prevent passage. Decisions would have to be made regarding the timing of the probe and which of the three detailed plans would be accepted.

3. More Elaborate Military Measures

The military commanders have plans for more elaborate military measures including measures which, while they might not succeed in re-opening access in the face of Soviet determination, could nonetheless "take the initiative regarding ground access from the Soviets, provide circumstances in which negotiations with the Soviets might prove fruitful, and compel the Soviets to face the unmistakable imminence of general war." Decisions regarding the implementation of such plans, choices of possible courses, and timing of actions would have to be taken by the Governments in the light of circumstances as they develop.

IV

There are under active consideration at this time plans for indirect countermeasures such as economic measures, measures against Soviet aviation, and a naval blockade in order to increase pressure on the Soviet Union and the "GDR" in the event Allied access is forcibly obstructed.

V

The planning discussed above relates only to the possibility of interference with Allied access. Extensive stockpiles exist in Berlin, and there are plans for a Quadripartite Berlin Airlift in the event of a total Soviet-"GDR" blockade of land access routes. In order to be in a better position to cope with gradual harassment of civil (i.e., German) access, planning for other countermeasures--primarily economic--is underway with the Germans and other members of NATO.

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